

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NICOLE ASHFORD)	
)	
Plaintiff,)	Case No 2:14-cv-669
)	
v.)	
)	CIVIL COMPLAINT
NAVIENT SOLUTIONS, INC. f/k/a)	
SALLIE MAE, INC.,)	
)	
Defendant.)	

COMPLAINT

NICOLE ASHFORD (“Plaintiff”), by her attorneys, KROHN & MOSS, LTD., alleges the following against NAVIENT SOLUTIONS, INC. f/k/a SALLIE MAE, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331.
3. Defendant conducts business in the State of Ohio establishing personal jurisdiction.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Columbus, Franklin County, Ohio.
6. Defendant is a business entity with an office located at 2001 Edmund Halley Dr., Reston, Virginia 20190.
7. Defendant acted though its agents, employees, officers, members, directors, heirs,

successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

FACTUAL ALLEGATIONS

8. Prior to the filing of this action, Plaintiff obtained a personal line of credit from Defendant, which was used for educational expenses (“student loan”).

9. Sometime after Plaintiff acquired the loan, Defendant started placing telephone calls to Plaintiff at telephone number (614) 316-04xx, which is Plaintiff’s cellular telephone.

10. Defendant has been assigned multiple telephone numbers from its telephone provider(s) which are used to place telephone calls to Plaintiffs including, but not limited to, (317) 348-9984, (765) 283-3253, (302) 283-4088, (317) 348-9985, (765) 283-3395, (302) 283-4040, (317) 348-9957, (317) 348-9959, (765) 283-3394.

11. All of Defendant’s telephone calls to Plaintiffs were placed using an automatic telephone dialing system or other equipment capable of storing and producing telephone numbers at random or sequential periods to be dialed (“auto dialer”).

12. On or about March 28, 2014, Plaintiff called Defendant at (317) 348-9984 and instructed Defendant to stop calling her.

13. Defendant continued to use an auto dialer to call Plaintiff on her cellular telephone, despite her request.

14. Since March 29, 2014, Defendant has used an auto dialer to call Plaintiff’s cellular telephone at least 235 times.

15. Plaintiff is annoyed and feels harassed by Defendant’s repeated calls to her cellular telephone after she instructed Defendant to stop.

COUNT I **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

16. Defendant’s actions alleged *supra* constitute numerous negligent violations of the

TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

17. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, NICOLE ASHFORD, respectfully requests judgment be entered against Defendant, NAVIENT SOLUTIONS, INC. f/k/a SALLIE MAE, INC. for the following:

18. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

19. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

20. All court costs, witness fees and other fees incurred; and

21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

/s/ David Tannehill

David Tannehill

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